IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.127 OF 2006

Rajesh B. Hariani. ...Petitioner.

Versus

1. M/s.MTRC Electronics Ltd., &
2. State of Maharashtra. ...Respondents.

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Mr.Kuldeep S. Patil, Adv. for the Petitioner.
Mr.Suhas B. Kanherkar, for and on behalf of Respondent No.1 present in-person.
Mr.K.V.Saste, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 30th April, 2007.

P.C.:

1. Heard the learned Advocate for the petitioner-orig.accused No.2, Mr.Suhas B.Kanherkar in-person for respondent No.1-orig.complainant and the learned APP for the State.

2. By judgment and order dated 29th September, 2005 passed in Criminal Case No.43 of 2003, the learned JMFC, Wada convicted the petitioner-orig.accused No.2 for the offence under Section 138 of N.I.Act. Being aggrieved thereby, petitioner preferred Criminal Appeal No.85 of 2005 before the Additional Sessions Judge, Thane. By

judgment and order dated 23rd February, 2006, the learned Joint District Judge, Thane dismissed the Appeal. Hence, this Revision.

3. During pendency of this Revision, the parties have arrived at settlement. The cheque amount was Rs.37,500/-. The learned Magistrate has awarded compensation of Rs.50,000/-. The said amount has already been deposited by the petitioner in the trial Court. Mr.Kanherkar, on instructions, states that if the complainant is allowed to withdraw the amount of Rs.50,000/- and in addition thereto Rs.8,000/- is given to the complainant, the complainant is willing to compound the matter.

4. Mr.Patil, the learned Advocate for the petitioner states that within a period of ten days from today, the petitioner will hand over Rs.8,000/- either in cash or by way of demand draft directly to the complainant. Mr.Kanherkar states that in view of this statement, permission may be granted to compound the matter.

5. In view of the above, permission is granted to compound the matter and the petitioner is

acquitted therein. The complainant is permitted to withdraw the said amount of Rs.50,000/- forthwith. It is made clear that if the petitioner does not hand over an amount of Rs.8,000/- to the complainant within a period of ten days from today, this order granting permission to compound the offence shall stand vacated and the order of the learned Magistrate and learned Sessions Judge shall stand revived.

6. Revision Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)